

STATE OF TEXAS  
COUNTY FORT BEND  
CITY OF FULSHEAR

# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093  
Fulshear, Texas 77441

Phone: 281-346-1796 Fax: 281-346-2556

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**PLANNING AND ZONING COMMISSION MINUTES**  
**APRIL 4, 2014**

**1. Call to Order**

*A Regular Planning and Zoning Meeting was called to order by Chairman, Derek Einkauf, at 8:04 a.m. (stated 10:04 but meant 8:04) on April 4, 2014 in the Fulshear City Hall located at 30603 FM 1093 Road, Fulshear, Texas.*

*Members Present:*

*Bill Archer  
Harold Collins  
Derek Einkauf  
David Worley*

*Members Absent:*

*Terry Cozart  
Mike Lavengco  
Vacant Position*

*City Staff:*

*D. (Diana) Gordon Offord, City Secretary  
C. J. Snipes, City Administrator  
Mary Meier, Communication Specialist  
Cheryl Stalinsky, Economic Director  
Lynn Raymer, Police Secretary  
April Jensen, Permit Clerk  
David Leyendecker, City Engineer  
Michelle Morris, Building Official  
Catarina Gonzales, Assistant City Attorney*

*Others Present:*

*John Profitt*

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*Continue- Others Present:*

*Hgana Ngo*

*Billy Allen*

*Kathy Ward*

*Kristen McGaughy*

*Kimberly Redlinger*

*Tracy Youngblood*

*Jo Douglas*

*Frances Smart*

*Larry Beustring*

*Jeff Roberts*

*Rene Rodriguez*

*West Side Realty*

*David Smith*

*Steve Zwick*

*Jerry Scott*

*Todd Finney*

*Ramona Ridge*

*Ernesto Alvaro*

*Julie Dowdall*

*John Dowdall*

*Cheryl Finney*

*Tim Saka*

*Sergio Pensotti*

*Fiona Mellett*

*John Webb*

*W. P. Loden*

*And 16 others who did not sign in*

**2. Quorum**

*Chairman Einkauf announced that a quorum was present.*

**3. Citizen's Comments**

*There were no Citizen's Comments.*

**4. Public Hearing-Zoning Change Request/ Special Use Permit**

**The Planning and Zoning Commission of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request from Jeff Roberts to change – Address: 30634 Front Street, Fulshear, Texas 77441 from Residential to Commercial.**

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Date: April 4, 2014

Time: 8:00 a.m.

Place: Fulshear City Hall, 30603 FM 1093 Rd., Fulshear, Texas

Interested Parties may appear at the Public Hearing and be heard with respect to the application.

**COMMERCIAL USE:**

The owner(s) and/or applicant(s) are seeking this request for the purposes of changing the existing structure from Residential Use to Commercial Occupancy Use (office building). The application and site plan may be inspected by the Public at Fulshear City Hall Monday through Thursday from 8:00 a.m. -5:00 p.m. and Fridays 8:00 a.m. -3:00 p.m. For more details, contact the City Secretary, D. Gordon Offord at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 (Phone number: 281-346-1796 x204)

Date Posted: 3-20-2014 By: D. Gordon Offord ,City Secretary

*The Public Hearing was opened at 8:06 a.m. Chairman Einkauf asked if Jeff Roberts had anything he would like to share. Mr. Roberts stated he was available to answer any question and changing the property from its residential use to commercial. Chairman Einkauf asked if there was any comments from the audience for or against this request. The audience was silent. Chairman Einkauf stated his concern revolved around parking. Mr. Roberts stated this issue would be resolved as it was at the end of a right of away. Also, a discussion with the City Administrator since it was next to an abandon right of away owned by the City ....would allow him to use part of that right of way if needed.*

*Chairman Einkauf announced that the Public Hearing for the request of changing the existing structure from Residential Use to Commercial Use closed at 8:08 a.m.*

**5. PUBLIC HEARING-ZONING CHANGE REQUEST**

The City Council of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request from DHK Fulshear LP/Fulshear Run and Fulshear Village (Doug Konopka) for support of the Proposed PUD (Planned Unit Development).

1.The land (262.6276 acres out of the Randon & Pennington League, A-75, Fort Bend County, Texas) is unique in that its northern area is located at a signalized intersection and adjacent to the major east-west thoroughfare in Fulshear. This location provides an opportunity for the development of a mixed use "village center".

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The village center has the potential to be developed with not only restaurants, retail and office facilities, but civic uses such as municipal buildings, a performing arts venue, and a public market, a town square and, if the PUD boundary is expanded, potentially a major park and festival area adjacent to Fulshear Lake.

2. The PUD land plan provides for a sequenced, coordinated development of the property. The residential lots will be developed in platted 4-5 sections. The land plan calls for acreage lots (Estate Lots of 160' width) to be developed generally on the east side of the property. Lots sized minimum of 0.5 acre (Transitional Lots of 110' width) will be developed generally on the west side of the property. The Transitional Lots areas will be adjacent to the lots being developed in Fulbrook on Fulshear Creek, sized at 62' wide.

3. The land plan calls for reconstruction of Bois D' Arc Lane immediately south of FM 1093 as landscaped boulevard. This would not be possible without a PUD.

Date: April 4, 2014

Time: 8:00 a.m.

Place: Fulshear City Hall

Interested Parties may appear at the Public Hearing and be heard with respect to the application.

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*Chairman Einkauf stated that we will begin with C. J. Snipes, City Administrator to give a brief synopsis, next allow Doug Konopka and his group to speak, and then we will hear comments from the Public.*

*Mr. Snipes stated that this is a Planned Unit Development which is allowable under the ordinance. He stated that Mr. Konopka is request to zoning part of the development in another way which he is referred to as a mix use on the one piece of property (mix use on the north end, some transitional housing butting up against and R-2 zone, and R-1 standard lots on the east side)*

*Questions surrounding timely filing .....I reviewed the ordinance and consulted with legal and there is no requirement for timely filing. Mr. Konopka has met requirement. Timely notice was given.*

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*Mr. Snipes stated he wants to speak on "transparency". He stated he has heard some comments that the City is trying to push this through and that is not intent. He stated that Mr. Konopka met with City since December and that Mr. Konopka has had several meetings with land owners in the area. Mr. Snipes stated that the reason the City installed "zoning" was to give residents the rights to protect property values. Mr. Snipes stated this is part of the process is to give developers a right to petition for a change and give property owners to speak for or against. Mr. Snipes stated this is a very open process and reiterated this process again to the audience.*

*Chairman Einkauf introduced Mr. Konopka to the audience. He then introduced David Smith to give the presentation regarding his project. Mr. Smith shared a video with the Commission and the audience regarding the proposed project to be done by DHK (Doug Konopka Development). The presentation was approximately 30 minutes.*

*Chairman Einkauf opened up the discussion to the audience.*

*Steve Zwick asked if there is a possibility of this development growing more than the 200 plus acres as now identified? Mr. Konopka stated there are a couple of small parcel but this is the ball park. Mr. Zwick asked if there is a technical reason why a variance is being requested from the one acre?*

*Chairman Einkauf stated we will have to limit each person to the three minutes in order to address everyone's question who is in the room.*

*Mr. Smith stated that transitional use in order to buffer between changes in the land use. To the north we have commercial and below that transitional urban which is the between. To the south is transitional estate. Fulshear Creek Crossing is now doing 62ft lots so now we are doing ½ acre lot to be transitional between the two. Mr. Smith stated that when the city zoned, it was not known about these 62 ft. lots. Mr. Zwick stated the answer is "no." Mr. Zwick was about to state another question when Chairman Einkauf interrupted to state this is not a variance and that zoning was adopted to address issues of this nature. There was another five-minute of discussion between PnZ Chairman and Mr. Zwick.*

*Kathy Ward requested that PnZ Commission vote against the proposal requested by DHK. Ms. Ward stated it would be a loss of privacy and against Bois D' Arc Character.*

*Kristen McGaughy stated she is opposed to the zoning change. Ms. McGaughy stated reasons why she is opposed to having the ½ acre lots such as overcrowding of the schools and want to keep the area rural.*

*Jo Douglas stated she has lived out here for 36 years and seeing a lot of changes. She is for the PUD and she knows Mr. Konopka is a quality developer.*

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*Ms. Douglas states that the Commission is not going to stop the development of that property...It will be developed by someone. The residents will be the loser if someone gets it who does not care about Fulshear.*

*Frances Smart stated that they have decided to leave and she knew who she was going to get to buy her home....."Doug Konopka". He loves Fulshear just like we do and she is for the PUD being approved.*

*Mike Mobley stated he wants to make sure the area stays rural and does not to worry about the neighborhood becoming more city (for example: neighbors complaining about smell of the cows, horses). He does not want the rules to change.*

*Todd Finney is for approving the PUD. He stated we need someone who can develop the property who cares about the needs of Fulshear otherwise we might look like North Fulshear Estates.*

*Ramona Ridge states she agrees with Todd. Ms. Ridge supports the PUD.*

*Julie Dowdall supports the project by Mr. Doug Konopka. Ms. Dowdall states development is coming and she would rather have a responsible developer.*

*John Dowdall supports the project by Doug Konopka and stated reasons similar to other speakers.*

*Fiona Mellett stated she likes the way Bois D' Arc Road looks and the entry as it is now. Ms. Mellett asked if the developer can have a different entry into its development.*

*John Webb stated his concerns are traffic, high rise buildings and keeping Bois D' Arc to a one or two lane road. He wants the developer to review his plan and try to come up with a best solution for everyone.*

*Tajana Mesic stated that she has heard great things about projects done by Mr. Konopka and has asked the developer to consider establishing a community advisory board and whether or not this project sets a precedence.*

*Michael Martini stated he moved out here to be in a rural area. He thinks traffic will be the biggest problem and he wants to know what the developer plans to do about this.*

*Mr. David Smith, a representative for Mr. Konopka, made notes of those who was speaking during this Public Hearing and took about twenty minutes to address the issues from these speakers.*

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*David Worley and Chairman Einkauf made their comments.*

*John Profitt stated he would like the developer to have one acre tract.*

*D. Offord made comments. Chairman Einkauf asked if anyone else had any comments. It was silent. Chairman Einkauf stated we would take a two minute break to allow individuals to leave if they so desired and then we would continue with the meeting. The Public Hearing was closed at 9:31 a.m.*

**6. Minutes**

**Regular Meeting, March 7, 2014**

*A motion was made by Planning and Zoning Member Worley to approve the minutes as presented. It was seconded by Planning and Zoning Member Collins. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*

*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**7. Consider and take action on Tamarron Master Signage Plan**

*A motion was made by Planning and Zoning Member Worley to approve Tamarron Master Signage Plan. It was seconded by Planning and Zoning Member Collins. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*

*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**8. Consider and take action on Tammarron Section 5 Final Plat**

*A motion was made by Planning and Zoning Member Archer to approve Tamarron Section 5 Final Plat subject to the recommendations by City Engineer, David Leyendecker. It was second by Planning and Zoning Member Collins.*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*

*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**9. Consider and take action on Fulshear Bend Drive from FM 1463 to Cross Creek Bend Lane/ Preliminary Plat**

*A motion was made by Planning and Zoning Member Collins to approve Fulshear Bend Drive from FM 1463 to Cross Creek Bend Lane Preliminary Plat subject to recommendations by City Engineer, David Leyendecker. The motion was carried by the following vote:*

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*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**10. Consider and take action on Request for Commercial Special Use Permit for a property located within the Downtown District. Location: 30364 Front Street, Fulshear, Texas from Residential to Commercial (office building/retail )**

*A motion was made by Planning and Zoning Member Archer to approve the Special Use Permit for a property located with the downtown district (Location: 30364 Front Street, Fulshear, Texas from Residential to Commercial). It was seconded by Planning and Zoning Member Collins. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**11. Consider and take action on the proposed Application for a Planned Unit Development (PUD) regarding 262.6276 acres for Fulshear Run and Fulshear Village**

*A motion was made by Planning and Zoning Member Archer to recommend Planned Unit Development (PUD) to Council for approval regarding the 262.6276 acres for Fulshear Run and Fulshear Village. It was seconded by Planning and Zoning Member Worley. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**12. Consider and take action on H and V Properties, LLC (Commercial Development) Preliminary Plat**

*A motion was made by Planning and Zoning Member Collins to approve H and V Properties subject to recommendations by the City Engineer, David Leyendecker. It was seconded by Planning and Zoning Member Archer. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**13. Consider and take action on Fry Road Center/CVS Store Final Plat**

*Chairman Einkauf stated that the title of the property has not been transferred so this item will be tabled.*

*A motion was made by Planning and Zoning Member Archer to table item "Fry Road Center/CVS Store" Final Plat. It was seconded by Planning and Zoning Member Collins.*



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*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**14. Consider and take action on Tamarron Lift Station Final Plat**  
**15. Consider and take action on Tamarron Wastewater Treatment Plant No. 1/Final Plat**

*It was suggested that item 14 and item 15 be take in one action. No objections were made.*

*A motion was made by Planning and Zoning Member Collins to approve Tamarron Lift Station Final Plat and Tamarron Wastewater Treatment Plant No.1 subject to recommendations per David Leyendecker. It was seconded by Planning and Zoning Member Archer. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**16. Discussion and consideration of presentation of Land Use Plan and Comprehensive Plan by Kendig Keast Collaborative**

*Chairman Einkauf stated we have a presentation and possible action regarding Land Use Plan. Gary Mitchell presented his recommendations for the City future land use to the Commission. He also showed a video to the Commission and identified parcels for industrial, residential, and commercial.*

*Planning and Zoning Member Worley stated that we need industrial and commercial to come in and all we are getting now is development. Planning and Zoning Member Archer agrees.*

*A motion was made by Planning and Zoning Member Archer to approve the Land Use Plan and Comprehensive Plan by Kendig Keast Collaborative. It was seconded by Planning and Zoning Member Collins. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*

**14. Adjourn**

*A motion was made by Planning and Zoning Member Archer to adjourn. It was seconded by Planning and Zoning Member Collins. The motion was carried by the following vote:*

*Ayes: Planning and Zoning Member Archer, Collins, Einkauf, and Worley*  
*Nays: Planning and Zoning Member Cozart, Lavengco, and one vacancy*